

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHARLIE DAVID JACKSON,	)	
	)	
Plaintiff,	)	No. C 12-2516 CRB (PR)
	)	
vs.	)	SCHEDULING ORDER
	)	
KEVIN R. CHAPPELL, Warden, et al.,	)	
	)	
Defendants.	)	

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Plaintiff, a former prisoner at San Quentin State Prison (SQSP), filed a pro se Third Amended Complaint (TAC) for damages under 42 U.S.C. § 1983 alleging denial of mental health treatment at SQSP against warden Kevin R. Chappell and doctors R. Fong, Frieha (or Freiha), E. Sprick and Burton. Plaintiff specifically alleges that at various times in 2010, doctors R. Fong, Frieha (or Freiha), E. Sprick and Burton denied him treatment for his mental illnesses (including depression and anxiety) despite his asking them for treatment.

Per order filed on January 30, 2014, the court found that, liberally construed, plaintiff's allegations appear to state a cognizable § 1983 claim for deliberate indifference to serious medical needs against doctors R. Fong, Frieha (or Freiha), E. Sprick and Burton, but dismissed warden Kevin R. Chappell because plaintiff sets forth no allegations against him and it is well established that there is no liability under § 1983 solely because one is responsible for the actions or omissions of another. Docket #106 at 1-2.

1 The court made clear that plaintiff's deliberate indifference to serious  
2 medical needs claim may proceed against doctors R. Fong (who was previously  
3 served), Frieiha (or Freiha), E. Sprick and Burton. But the court warned plaintiff  
4 that it will not order service of summons and of the TAC on the three unserved  
5 defendants – doctors Frieiha (or Freiha), E. Sprick and Burton – unless plaintiff  
6 “provides a recent address for each of these defendants within 30 days of this  
7 order. Failure to do so will result in the dismissal of the unserved defendants and  
8 a scheduling order will be issued as to defendant R. Fong only.” Id. at 2.

9 More than 60 days have elapsed and plaintiff still has not provided a  
10 recent address for any of the three unserved defendants. Nor has he sought an  
11 extension of time to do so. Unserved defendants doctors Frieiha (or Freiha), E.  
12 Sprick and Burton are DISMISSED without prejudice. This case will proceed as  
13 to defendant doctor R. Fong only.

14 In order to expedite this matter, the court orders that, within 60 days of  
15 this order, defendant R. Fong must serve and file a motion for summary judgment  
16 or other dispositive motion. Plaintiff must serve and file an opposition or  
17 statement of non-opposition to the dispositive motion not more than 28 days after  
18 the motion is served and filed, and defendant must serve and file a reply to an  
19 opposition not more than 14 days after the opposition is served and filed.

20 SO ORDERED.

21 DATED: 4/4/2014

  
22 CHARLES R. BREYER  
23 United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

CHARLIE B. JACKSON,  
Plaintiff,

Case Number: CV12-02516 CRB

**CERTIFICATE OF SERVICE**

v.

/ et al,

Defendant.

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 4, 2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Charlie Jackson  
927 Blossom Drive  
Brentwood, CA 94513

Dated: April 4, 2014

Richard W. Wicking, Clerk  
By: Lisa R Clark, Deputy Clerk